



Illinois Fertilizer & Chemical Association's "News Under the Dome"



Calendar Info

- IFCA Convention and Trade Show
Jan 21-23, 2020
- NH3 Spring Safety Schools, Feb 25—
March 27, 2020.
- IFCA Legislative Breakfast,
March 4, 2020,
Sangamo Club,
Springfield, IL
- 2020 MAGIE Show, Aug 26-27,
2020.

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IDOA Issues New Dicamba Label for Soybeans in 2020

The Illinois Department of Agriculture has submitted Special Local Needs Section 24(c) documentation to USEPA that will include additional label requirements for dicamba applied to soybean in Illinois in 2020. This is in response to 724 formal dicamba complaints in 2019. The new label requirements are:

- DO NOT apply this product if the air temperature at the field at the time of application is over 85 degrees Fahrenheit or if the National Weather Service's forecasted high temperature for the nearest available location for the day of application exceeds 85 degrees Fahrenheit. (Local National Weather Service forecast are available at **www.weather.gov**—just enter the zip code of the field to get the local forecast.) ***This means that on the day of intended application, you must go to the weather website listed above and type in the zip code of fields you wish to treat. If the weather service forecast on this website calls for a high temp that day of 86 degrees or more in that field's zip code, it is a DO NOT SPRAY day. If the forecast high is 85 degrees or less for the day, you can spray if you meet all other label conditions AND you check the temperature in the actual field of application at the time of application. If it registers above 85 degrees in the field of application, DO NOT SPRAY.***
- DO NOT apply this product after June 20, 2020.
- DO NOT apply this product when the wind is blowing toward adjacent residential areas.
- Before making an application of this product, the applicator must consult the FieldWatch sensitive crop registry (<https://www.fieldwatch.com>) and comply with all associated record keeping label requirements.
- Maintain the label-specified downwind buffer between the last treated row and the nearest downfield edge of any Illinois Nature Preserves Commission site. (Note: IFCA has posted the DNR sensitive areas on our homepage at www.ifca.com but they will soon be added to Fieldwatch.)
- It is best to apply product when the wind is blowing away from sensitive areas, which include but are not limited to bodies of water and non-residential, uncultivated areas that may harbor sensitive plant species.

If you have any other questions regarding training dates or to see any of the label please go to **<https://www.ifca.com/IllinoisDicambaTraining>**

IFCA Members Host Legislators at Their Facilities

In our ongoing effort to educate legislators regarding the issues that face the ag input industry, IFCA and our members continue to host national and state legislators at IFCA member facilities. This summer IFCA hosted 8 state senators and representatives that serve on the ag or environmental committees.

We encourage our members to invite their legislators to your retail operation to explain your business and the issues that impact our industry. It's a great chance to also discuss what you do to serve the farmers of Illinois, the value of your employees, your role in the community, and how a thriving ag industry can help the State of Illinois.

These visits make a big difference, because legislators can then better relate to how bills impact our industry and the local ag retail businesses. Contact KJ Johnson and we'll help you organize a visit!



Rep. Nathan Reitz visits Gateway FS dry fertilizer facility in Red Bud.



IFCA Board Member John Musser talks to Rep. Andrew Chesney about Stephenson Service Company's new ammonia facility.



Rep. Jeff Keicher discuss the 4Rs with IFCA Board Member Dave Myers at the CHS facility in Sycamore.



Northern Partners in Peru hosted Rep. Lance Yednock at their new barge fertilizer/grain facility.



Conserv FS employees discuss with Senator Craig Wilcox of all the new technology in the cab of a new floater.



House Ag Committee Chairman Sonya Harper makes a stop at Top Ag in Okawville to learn more about Illinois ag retailers.



Rep. Patrick Windhorst toured Tri-Country Fertilizer in Eldorado with IFCA board member Jeremy Maloney, discussing ag input transportation issues.

Illinois Announces \$23.5 Billion Road Plan

Lawmakers and Illinois Department of Transportation officials released details of a new \$23.5 billion multi-year plan for revamping the state's roads and bridges this week at a bipartisan event in Springfield.

Democratic Gov. J.B. Pritzker stood in front of two orange work trucks and a fleet of yellow-vested construction workers as he and speakers from both parties hailed the plan as one that would stimulate the state's economy and usher in a new era of bipartisanship and effective government in Illinois.

Acting IDOT Secretary Omer Osman, a Pritzker appointee, said slightly more than \$9 billion of the \$23.5 billion that will be spent from fiscal years 2020-2025 will come from the federal government, about 39 percent of the total funding. He said the passage of the horizontal infrastructure bill this

May upped the state's contribution to the multi-year plan from 12 percent to 58 percent.

The money will go toward maintaining 4,212 miles of roadways and 9.2 million square feet of bridges, according to the governor's office. The projects on the list were identified "based on the principles of asset management" to "maximize system performance and minimize lifecycle costs."

Factors that help determine which projects will be completed and the order of construction include crash history, pavement condition, average daily traffic and bridge condition.

According to the governor's office, 75 percent of the funds is allocated to reconstructing and preserving roadways and bridges, while 16 percent is dedicated "to strategically expanding the system in areas where data have shown the investment will be highly effective." The rest will go to "necessary traffic and safety improvements."

In total, \$7.58 billion will go toward roadway reconstruction and preservation, \$4.99 billion to bridge replacements and repairs, \$1.59 billion to "safety and system modernizations," \$3.08 billion to strategic expansion of the system and \$2.11 billion for system support such as engineering and land acquisition, according to the governor's office.

The road and bridge infrastructure spending is separate from building infrastructure money which will be generated by a massive gambling expansion in the state. The roads and bridges are primarily funded by an increase of the state's gas tax to 38 cents per gallon from 19 cents, with the tax indexed for inflation going forward.



Illinois State Senate President John Cullerton to Retire

On the last day of the fall veto session, Illinois State Senate President John Cullerton said he would retire in January.

Cullerton, a Democrat, represents Illinois' 6th District which covers Chicago's North and Northwest sides. His legislative career began in 1978 when he was elected to the Illinois State House. He was appointed to fill Dawn Clark Netsch's State Senate seat in 1991, after she was elected state comptroller.



Senators likely to seek the top job include Kimberly Lightford of Chicago, also a member of Cullerton's leadership team; Tony Munoz of Chicago, who has long sought the post but faces some internal political opposition; Heather Steans of Chicago; Andy Manar of Bunker Hill; Melinda Bush of Grayslake; Elgie Sims of Chicago; and Emil Jones III, the son of Cullerton's predecessor as Senate president.

Known for his quick and sometimes not so subtle wit, Cullerton was viewed as the more personable and public half of the Democratic legislative leadership in Springfield that he shares with veteran Illinois House Speaker Michael Madigan.

Cullerton's departure comes at a tumultuous time for the Democratic-controlled state legislature and his Senate. At least three of his members are involved in federal investigations, including one facing corruption charges.

Clean-Up Bill on Marijuana/Employer Rights Heading to the Governor

Business groups in Illinois successfully obtained language in the cannabis trailer bill to codify the workplace protections that were raised in legislative intent from the Spring session.



The changes secured by the business community codify several key issues for employers and protects from litigation actions taken by an employer for random drug testing, pre-employment testing and for failure of a drug test. It clears up the concern that an employer might have to prove impairment when an employee fails a drug test. An employer still will need its drug and alcohol policy to meet the standards of reasonableness and non-discrimination. These changes provide greater clarity and protections to employers that need and want safe employees, safe workplaces and a safe public.

While the business community was unable to secure exemption of the medicinal marijuana law from the Privacy in the Workplace Act, commitments were given from the legislative sponsors and the Governor's Office that the issue will be dealt with next session.

The measure was approved by the House on a 90-20-1 vote and by the Senate 41-6-1 and now goes to the Governor for his signature.

Illinois State Rep. Luis Arroyo Accused of Bribing Senator for Bill Support

A state lawmaker at the Illinois Capitol sought to bribe another state lawmaker, offering \$2,500 a month in exchange for the senator's support of sweepstakes-related legislation, according to a federal complaint unsealed on Monday.

Rep. Luis Arroyo, 65, made the offer on Aug. 2 and handed over an initial check on Aug. 22 for the unidentified state senator's backing of the legislation in the Illinois Senate, according to the complaint. The payments were expected to continue for six months to a year more, it says.

The 12-page complaint cites the moment Arroyo handed over the check, referring to a federal wiretap that allegedly captured their conversation at a suburban Chicago restaurant.

"I'm going to give you this here," Arroyo tells the senator, according to the complaint. "This is, this is, this is the jackpot."

The complaint refers to the state senator only as a cooperating witness.

Federal authorities have charged or raided the homes and offices of at least half a dozen Democrats this year. The U.S. attorney's office in Chicago, headed by John Lausch, an appointee of Republican President Donald Trump, has spearheaded the investigations against the Democrats, some of them acknowledged powerbrokers in the party.

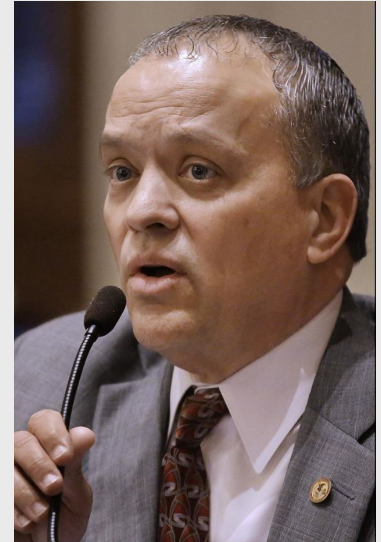
If convicted, he could face a maximum 10 years in prison, prosecutors said.

Arroyo is from Chicago's West Side and has served in the Legislature since 2006, representing the 3rd District. He is chairman of a House appropriations committee and is on the public utilities committee and transportation committee.

Arroyo has been re-elected to four terms as an Illinois state representative and as elected as the general assembly's assistant majority leader in 2017. He has been a member of the special appropriations budget committee work group, an executive committee member and former chairman of appropriations for public safety, according to Arroyo's state House webpage.

In a press conference Monday afternoon, Illinois House Republican Leader Jim Durkin called for Arroyo's resignation by the end of business on Monday, Oct. 28th, and said that if the resignation is not made in time, he will file paperwork to begin a special investigation.

House Speaker Michael Madigan released a statement saying, "The charges filed against Representative Arroyo are very serious. We have already contacted Representative Arroyo's counsel to determine whether he will resign as state representative. I urge Representative Arroyo to resign from the House of Representatives, effective immediately. If he refuses, I will take the necessary steps to begin the process to remove him from office. Additionally, I have instructed my staff to begin bringing together stakeholders and experts to closely examine our ethics and lobbying laws and find ways to strengthen existing law."



Trump Administration Clarifying Application Exclusion Zone

A new Environmental Protection Agency (EPA) rule proposal would relax enforcement responsibilities for farmers by narrowing the areas they must restrict human contact during pesticide applications, a move the agency is labelling easier management.

The goal is to improve the long-term success of the agency's Application Exclusion Zone (AEZ) requirements.

The previous statute extended the exclusion zone to areas outside the farm, where workers and others might come into close proximity to the process and equipment used to spread pesticides.

The new proposal would also no longer mandate family members living on farms to leave during pesticide application times. Instead they can choose whether to voluntarily leave or stay on any homes or in any structures on the farm land.

EPA is issuing this proposed rule that makes "modest, clarifying updates" to the AEZ.

"EPA's proposal would enhance the agency's Application Exclusion Zone provisions by making them more effective and easier to implement," EPA Administrator Andrew Wheeler said in a news release. "In listening to input from stakeholders, our proposal will make targeted updates, maintaining safety requirements to protect the health of those in farm country, while providing greater flexibility for farmers."



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Consolidation of Suburban and Downstate Police and Firefighter Pension Funds Bill Heads to Governor.

A task force formed by Gov. J.B. Pritzker that includes a local mayor recommended the unusual step for Illinois, known for having among the most units of local government in the U.S.

The Pension Consolidation Feasibility Task Force advised merging about 650 pension plans, not including Chicago's, into two statewide systems -- one for fire retirees and one for police.

Task force members are betting this could generate "as much as \$1 million a day in additional returns" and provide stability in cases where municipalities lack the revenue down the road to pay retirees.

On Thursday, the Senate voted 42-12 to send the bill for Pritzker to sign into law. The bill cleared the Illinois House of Representatives Wednesday afternoon by a vote of 96-14.



Will Impeachment Talks Delay USMCA?

House Democrats' impeachment inquiry against President Trump has evoked concerns passage of the administration's renegotiated North American Free Trade Agreement could stall, leaving agriculture groups warning that putting off ratification of the trade deal delays new wins for farmers.

Passing the U.S.-Mexico-Canada Agreement, a replacement for NAFTA, has been a top legislative priority of the Trump administration, and administration officials have for months been negotiating behind closed doors with House Democrats over changes to the trade deal.

The White House has also dispatched top members of the administration to urge the Democrat-controlled House to act.

In the past week, acting Director of National Intelligence Joseph Maguire testified publicly before the House Intelligence Committee about the whistleblower complaint that was the catalyst for Democrats' impeachment inquiry, Vice President Mike Pence delivered remarks in Indiana about the importance of passing the USMCA.

Despite these efforts, the White House has suggested legislative action in the House on a host of issues would grind to a halt as Democrats press forward with their impeachment inquiry.

Trump, too, indicated the prospects of the USMCA moving through the lower chamber were dim, as he told reporters before a bilateral meeting with Japanese Prime Minister Shinzo Abe on Wednesday he doesn't think Pelosi "is going to have any time to sign it."

With House Democrats now officially marching toward impeachment proceedings, with Pelosi's backing, Republicans on Capitol Hill have begun pressuring their counterparts to not let the inquiry distract from their legislative duties.

If the House doesn't pass the USMCA this year, Trump has said his administration would try again after the 2020 election, when, according to the president, Republicans will win back control of the House.

Speaker Pelosi has said the House would begin an impeachment inquiry against Trump after a whistleblower filed a complaint with Intelligence Community Inspector General Michael Atkinson regarding a July call between Trump and Ukrainian President Volodymyr Zelensky.

The complaint, declassified Wednesday and made public Thursday, alleges senior White House officials "intervened to 'lock down' all records of the phone call, especially the word-for-word transcript of the call" produced by the White House Situation Room.



USDA Rules on Hemp Lays Out Path for Producers Moving Forward

Almost a year after lifting a ban on commercial hemp production, the federal government unveiled rules that will regulate the crop.

“We said we would get it done in time for producers to make planning decisions for 2020, and we followed through,” U.S. Secretary of Agriculture Sonny Perdue said in a statement.

Now that the USDA established its rules for the crop, the agency will review states’ plans and respond within 60 days — either approving them or requesting changes, according to federal officials.

The federal regulations total more than 150 pages.

The rule says hemp crops must be destroyed by a person authorized under the Controlled Substances Act to handle marijuana if testing shows they exceed the “acceptable THC level” of 0.3% on a dry weight basis, also taking into account a measurement of uncertainty.

“For example, if the reported [THC] content concentration level on a dry weight basis is 0.35% and the measurement of uncertainty is +/- 0.06%, the measured [THC] content concentration level on a dry weight basis for this sample ranges from 0.29% to 0.41%,” the rule says. “Because 0.3% is within the distribution or range, the sample is within the acceptable hemp THC level for the purpose of plan compliance.”

The rule also says a producer is “negligent” if they produce a crop with a THC level exceeding 0.5%. “In cases where a state or tribe determines a negligent violation has occurred, a corrective action plan shall be established,” the rule says. “The corrective action plan must include a reasonable date by which the producer will correct the negligent violation.”

USDA officials said they think 2020 will be the bellwether to see if commercial hemp production is viable.

The new regulations also open the door for federal loans and insurance for hemp, as farmers can get for other agricultural products.

The USDA regulations will expire in two years, to be replaced with a final version based on feedback from farmers and other stakeholders, said Bill Northey, USDA under secretary for farm production and conservation.

The rules require keeping track of farms where hemp is produced and regular testing to make sure plants contain no more than 0.3% of THC, the psychoactive component that is more prevalent in marijuana.

The federal government banned hemp in the 1930s because of its association with marijuana. Hemp and marijuana are the same plant — the only difference is the amount of THC. That ban was lifted with the 2018 federal farm bill.



White House Pushing for Guidance on Biotech Regulation,

Wants Public Input

In an effort to ensure it doesn't stifle innovation and recognizing biotechnology is likely going to bring some of the biggest changes to how production agriculture operates over time, the White House this week hosted a one-day seminar aimed at putting meat on its proposal to reduce regulatory barriers to the emerging technology.

While no new initiatives or proposals were unveiled, it was clear the administration needs industry input to get its biotechnology deregulation push right. When the White House announced it would exempt from regulation biotech plants with modifications which could have been achieved through conventional breeding, biotech seed companies said they need more freedom; however, the grain industry, food processors and retailers said such a move might create trade problems and erode consumer confidence.

Hosted by the White House Office of Science & Technology Policy (OSTP), the meeting brought 100 or so government officials, academics and industry leaders together at a "Summit on America's Bioeconomy" as the second step in an administration plan to unfetter the technology. Last June, the administration announced it was ordering federal agencies to find ways to streamline regulation of biotech crops and animals to speed up reviews and approvals.

USDA Deputy Secretary Steve Censky told the group USDA is trying to "shift the paradigm" when it comes to biotech regulation, but wants to be sure "we have the right regulatory approach and that we're not setting high barriers so that we stifle innovation."

Much of the commentary offered dealt with biotech's poor public relations image. One panel speaker said, "There's a big public trust problem when it comes to GMOs," and said consumers need to trust there's adequate regulation to ensure safety.



DOL Publishes Final Overtime Pay Rule

More than 1.3 million workers will be newly eligible for overtime pay come January 1, 2020, under a final rule published by the Department of Labor (DOL) that ends years of federal litigation. The rule effectively rewrites earnings thresholds used to exempt executive, administrative and professional employees from federal minimum wage and overtime pay requirements under the Fair Labor Standards Act.

The “standard salary level” will be increased to \$684 per week (\$35,568/year) for a full-year worker, up from \$455, DOL said. The department also increases the total annual compensation required for “highly compensated employees” to \$107,432 per year from the current level of \$100,000 per year.

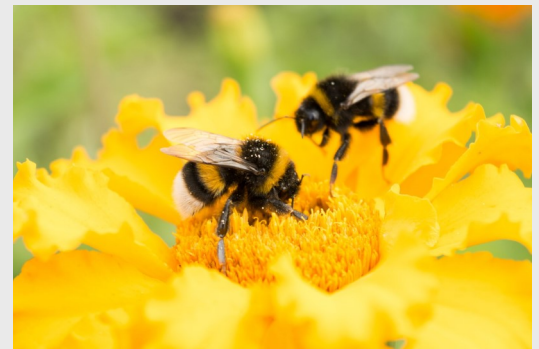
In addition, employers will be able to use nondiscretionary bonuses and incentive payments, including commissions, paid “at least annually” to satisfy up to 10% of the standard salary level.

The rewrite of the overtime rules was first attempted in 2016, but was enjoined by the U.S. District Court for the Eastern District of Texas, and subsequently that court invalidated the rulemaking. DOL appealed the court action, but in 2017, the U.S. Court of Appeals for the 5th District held the appeal in abeyance while the department tried to rewrite the final rule’s salary thresholds.

Beekeeper Groups Sue EPA Over Pesticide Decision

In the latest confrontation between the bee industry and the Trump administration, a group of concerned beekeepers have sued the Environmental Protection Agency over its July decision to expand the use of a pesticide that’s known to harm bees and other pollinators.

The Pollinator Stewardship Council, the American Beekeeper Federation and beekeeper Jeff Anderson, who are represented by Earthjustice, have asked the US Ninth Circuit Court of Appeals to review the EPA’s decision earlier this summer to rollback several restrictions around the pesticide sulfoxafloz, which were put in place under the Obama administration over concerns it might be contributing to plummeting bee populations.



The EPA defended their decision at the time by citing studies that show the chemical disappears from the environment faster than other alternatives.

In 2014, the Obama administration launched a program to address honeybee population losses, directing federal agencies to work toward preserving bee pollinator populations. The move was part of a wider government focus on protecting pollinators, including bees and butterflies.

The Trump administration has gone the other way, reversing an Obama-era rule meant to protect bees from neonicotinoids, a chemical family that can cause colonies to collapse and curtailing bee-related federal research. Earlier this summer, the US Department of Agriculture suspended data collection for its annual Honey Bee Colonies report for one quarter.